

2. While Defendants have not yet been officially served with process in the State Court Action, Defendants are in receipt of a copy of the Complaint which is attached pursuant to 28 U.S.C. § 1446(a) as Exhibit A.

3. The State Court Action is a civil action over which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1331 because Plaintiffs have asserted causes of action based on 15 U.S.C. § 1601, *et seq.* and 12 C.F.R. § 226, *et seq.* The State Court Action is therefore removable under 28 U.S.C. § 1441.

4. To date, Defendants have not made any appearance in the State Court Action.

5. Pursuant to 28 U.S.C. § 1446(b), Defendants have filed this Notice prior to the expiration of thirty (30) days following their receipt of a copy of the Complaint.

6. Pursuant to 28 U.S.C. § 1446(d), Defendants will give written notice to Plaintiffs and will file a Notice of Filing of Notice of Removal, a copy of which is attached hereto as Exhibit B, with the Clerk of the Chancery Court of Shelby County, Tennessee for the Thirtieth Judicial District at Memphis.

7. Because this action was pending in the Chancery Court of Shelby County, Tennessee for the Thirtieth Judicial District at Memphis, removal to the United States District Court for the Western District of Tennessee is proper under 28 U.S.C. § 1441(a).

8. As of the date of the filing of this Notice, no return of service has been filed in the State Court Action as to the remaining Defendant Community Mortgage Corporation.

WHEREFORE, Defendants Bank of America, N.A. and SunTrust Mortgage, Inc. pray that the State Court Action now pending against them in the Chancery Court of Shelby County, Tennessee for Thirtieth Judicial District at Memphis be removed to this Court.

Respectfully submitted,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.

s/ Robert F. Tom

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*Counsel for Bank of America, N.A. and
SunTrust Mortgage, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 4th day of January, 2011, a true and exact copy of the foregoing has been served upon the following by first-class U.S. mail, postage pre-paid:

Webb Brewer, Esq.
Brewer & Barlow, PLC
20 S. Dudley, Suite 806
Memphis, Tennessee 38103

s/ Robert F. Tom